

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
May 14, 2019**

Place: Room 206

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Sini, Olvany, Rand, Leahy

STAFF ATTENDING: Ginsberg, Doneit, Keating

RECORDER: Syat

Channel 79

Chairman Sini opened the meeting at 8:05 P.M. and read the first agenda item.

PUBLIC HEARING

Continuation of Public Hearing regarding Business Site Plan Application #136-D, Special Permit Application #231-A, Land Filling & Regrading Application #455, George at Work, LLC, 2 Squab Lane. Proposal to renovate and expand the footprint of the existing building for the purpose of establishing a new two-story Quick Service Restaurant with an outdoor dining area and associated retail bakery on the basement level; construct a new patio, staircase, and handicapped access ramp to extend through the eastern side of the property from Squab Lane; create new parking; and to perform related site development activities. The 0.33+/- acre subject property is situated on the north side of Grove Street at the northeastern corner formed by its intersection with Day Street, and is shown on Assessor's Map #73 as Lot #34, with shared parking on Lots #26, #27, #28, #29 and #30 in the CBD Zone.

Mr. Ginsberg summarized the amendments made by the applicant to the original application. He noted that the handicapped ramp from Squab Lane had been removed from the plans at the direction of the Town and that a new lift had been added to northeast side of the building. He said that the applicant is now required to go back before the Architectural Review Board (ARB) for the lift.

The Commission then continued the public hearing on the matter to May 28.

Chairman Sini then read the following agenda item:

Continuation of Public Hearing regarding Administrative Section 339 (#1-2019) Joseph Pagliarulo, 40 Swifts Lane. Proposal to create a rear building lot in association with the division of the 2.17+/- subject property under the First Division section of the Connecticut General Statutes, and to construct a new shared driveway. The two proposed lots under Section 339 of the Darien Zoning Regulations have less than the required lot width at the frontage with Swifts Lane. The subject property is located at the southern terminus of Swifts Lane, approximately 1,300 feet southeast of its intersection with Ring's End Road, and is shown on Assessor's Map #50 as Lot #8A in the R-1 Zone.

Mr. Ginsberg provided the Commission with an overview of the application.

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Mr. Jeffrey W. McDougal, of William Seymour & Associates, the applicant's surveyor, described the proposal to divide the subject property into two lots under the First Division section of the Connecticut General Statutes. He reviewed the proposed lot configurations, conceptual building setbacks, and lot coverage. He noted that a zoning compliance table had been added to the survey at the request of the Commission.

Chairman Sini asked if there were any questions or comments on the application from the general public. Being none, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Ms. Leahy, seconded by Mr. Rand, and unanimously approved, 4-0.

Chairman Sini then read the following agenda items:

Continuation of Public Hearing regarding:

Amendments to the Darien Zoning Regulations (COZR #1-2019) and the Darien Zoning Map (COZM #1-2019) put forth by Darien Planning & Zoning Commission. Proposal to comprehensively amend, reorganize, and renumber the town's Business and Office Zone Regulations, consistent with the 2016 Town Plan of Conservation & Development. Article VI, Business Zone Regulations, is proposed to be moved to a new Article VII, Business and Office Zone Regulations (previously Office Zone Regulations), beginning at Section 720. These modifications include, but are not limited to the following:

- 1) Address the existing "Convenience Food Service" issue by creating new restaurant categories, which will not limit or restrict indoor seating.
- 2) Combining certain business zones within the community
 - a) Combining the SB and SB-E Zones into the Service Business (SB) Zone
 - b) Combining the OB, DOR-1 and DOR-5 Zones into a newly created Designed Office (DO) Zone
 - c) Combining the DB-1 and DB-2 Zones into a newly created Designed Business (DB) Zone
- 3) Amendments to the Municipal Use Zone (Modify Section 420). These revisions are intended to clarify the nature of the MU Zone as an overlay zone.
- 4) Allow restaurants by Special Permit in the three Neighborhood Business (NB) zones.
- 5) Allowing personal service uses by right in the DC Zone (Goodwives and Leroy/West).
- 6) Modify the parking requirements and add new parking requirements for certain categories (Modify Sections 904, 906, 908, 944).
- 7) Delete certain parking requirements such as for "Hotel, Motel or Inn." And for "Dinner Theater", and have parking requirements reflect new categories of food service. Re-letter Section 904 to group similar uses together.
- 8) Delete the regulations (definition and Section 1055) which allow for "Hotel or Motel". Associated with that change is the deletion of the parking requirement in Section 904.
- 9) Greatly expanding uses within Darien's office zones, and allowing 3 story buildings in the newly created office zone. Reducing the number of office zones from three down to one.

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10) Clarifying drive-throughs - what zones should allow drive-through restaurants, and which zones should allow drive-through or drive-up banks.

11) Clarify which zones will specifically allow parking structures.

12) Amend Section 1112.5, Referrals, to change reference from "Regional Planning Agency" to "Western Connecticut Council of Governments (WestCOG)".

The full text of the proposed zoning regulation amendments and zoning map amendments are on file and available in the Town Clerk's office and the Planning and Zoning Office for inspection, and online at www.darienct.gov/pzc.

Mr. Ginsberg summarized the proposed modifications to the business and office zoning districts, including permitted uses, the simplification of food-related uses, modifications to parking requirements, including the zones in which parking structures may be allowed, and whether hotels and motels should be allowed in the Town.

Chairman Sini open the hearing to public comment.

Mr. Aldo and Mr. Joseph Criscuolo, property owners of 168 West Avenue, spoke in support of the proposal to merge the Service Business and Service Business East zones and to eliminate the minimum 1,200 square foot minimum for customer seating area for restaurants in those zones.

Chairman Sini asked if there were any additional questions or comments on the application from the general public. Being none, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Rand, and unanimously approved, 4-0.

Amendments to the Zoning Map (COZM #3-2019) put forth by the Darien Planning & Zoning Commission. Proposal to amend the Darien Zoning Map to include certain municipally-owned properties and/or properties that fulfill a municipal function in the Municipal Use (MU) Overlay Zone as provided for in Section 420 of the Darien Zoning Regulations. These properties include: Darien Town Hall at 2 Renshaw Road; the Department of Public Works Garage at 126 Ledge Road; the Noroton Heights Fire Department at 209 Noroton Avenue; the Noroton Fire Department at 1873 Boston Post Road; the Darien Fire Department at 848 Boston Post Road; and properties owned by the Town and controlled by the Board of Education as follows: Darien High School at 80 High School Lane; Middlesex Middle School at 204 Hollow Tree Ridge Road; Tokeneke School at 7 Old Farm Road; Hindley Elementary School at 10 Nearwater Lane; Holmes Elementary School at 18 Hoyt Street; Royle Elementary School at 133 Mansfield Avenue, Ox Ridge Elementary School at 395 Mansfield Avenue; and the Board of Education Office Building at 35 Leroy Avenue. The proposed zoning map amendments are on file and available in the Town Clerk's office and the Planning and Zoning Office for inspection, and online at www.darienct.gov/pzc.

Chairman Sini opened the hearing to public comment.

Mr. Robert Maslan, of Maslan Associates, attorney for several property owners abutting Ox Ridge Elementary School suggested that the Commission consider leaving the MU Zone a floating zone

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that could be applied to Town owned or Town controlled properties on a case-by-case basis. He spoke against applying the proposed overlay to the 13 identified properties and submitted several proposed modifications to Sections 421 and 424 of the Regulations.

Mr. Bruce Hill, the attorney that drafted the original MU regulations, spoke in support of applying the MU Zone to the 13 identified properties. He reviewed the history of the MU Zone, which was originally adopted by the Commission in 2006, for the building of the Darien Library on the Boston Post Road.

Mr. Alfieri, of 383 Mansfield Avenue spoke in relation to the potential application of the MU Zone to the Ox Ridge Elementary School property. He indicated that he is serving on the Ox Ridge School Building Committee and said that an architect had not yet been hired to work with the Committee on the redevelopment of the site.

Mr. Francisco Rivero, of 381 Mansfield Avenue, spoke in opposition of the proposed application of the MU Zone to the Ox Ridge School property.

Chairman Sini asked if there were any additional questions or comments on the application from the general public. Being none, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Rand, and unanimously approved, 4-0.

Chairman Sini then read the following agenda items:

GENERAL MEETING

Deliberations ONLY regarding:

Site Plan Application #304, Land Filling & Regrading Application #450, Town of Darien, Diller Property, Nutmeg Lane. Proposal to construct a walking/cross country path as well as six parallel parking spaces along Nutmeg Lane adjacent to the north side of the property; and to perform related site development activities. The path is proposed to loop around the subject property with a five-foot wide crushed stone path along the north, west, and south property boundaries, with a two-foot wide wooden plank boardwalk along the eastern boundary running north-south. The length of the path is 1,440 feet, with approximately 420 feet of the length as boardwalk. The section of path located on the Diller Property would be part of a larger 1.15+/- mile path inclusive of the Darien High School property.

AND

Site Plan Application #273-E, Flood Damage Prevention Application 354-A, Land Filling & Regrading Application #53-F, Town of Darien, Darien High School, 80 High School Lane. Proposal to construct a 5,050+/- foot cross country running path generally around the perimeter of the subject property; and to perform related site development activities. The five-foot wide path will be constructed of crushed stone through both forested areas on the property and grass along the edges of existing athletic fields. The section of path located on the high school property would be part of a larger 1.15+/- mile path inclusive of the adjoining Diller Property.

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Commission members indicated that they were generally in favor of the two related applications to develop the proposed cross country running path on the Darien High School and Diller properties.

Commission members directed staff to clarify that no property setbacks are required for paths or trails within the Darien Zoning Regulations. It was further noted that there is no requirement for parking as part of the project. The Commission noted that any parking to be provided on Nutmeg Lane in association with the Diller property portion of the path would be at the discretion of the Local Traffic Authority.

It was noted that two evergreen trees are proposed to be removed from the southwest portion of the high school property in the vicinity of Nutmeg Lane to accommodate the construction of the path. The Commission discussed the materials to be used for the construction of the path. It was further noted that the proposed boardwalk on the Diller property is not part of the running path, and was requested by the Parks & Recreation Department to complete the loop.

Chairman Sini then read the following agenda item:

Deliberations and possible decisions regarding:

Proposed Amendments to the Darien Zoning Regulations (COZR #4-2019), Site Plan Application #305, Special Permit Application #306, Flood Damage Prevention Application #393, Aquarion Water Company, 31 Lake Drive. Proposal to amend Section 404(f) the Darien Zoning Regulations to increase the maximum floor area of electric transformer stations, telephone exchanges, and water, sewer or natural gas pumping stations or facilities from 300 square feet to 750 square feet; Proposal to raze the existing well facilities building on the site and to construct a new expanded well facilities building, redevelop the existing well, construct a new driveway, and to perform related site development activities within a regulated area.

Commission members indicated that they were generally in favor of the proposal, including the proposed amendment to the Darien Zoning Regulations. Ms. Leahy made a motion to adopt the resolution as written. That motion was seconded by Mr. Rand, and approved by a vote of 6-0. The Adopted Resolutions read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 14, 2019**

Application Number: Proposed Amendment to the Darien Zoning Regulations (COZR #4-2019)
put forth by Aquarion Water Company

Name and Address of Property Owner & Applicant: Aquarion Water Company
600 Lindley Street
Bridgeport, CT 06606

Name and Address of Applicant's Representative: Phat Phung, P.E.
Aquarion Water Company

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600 Lindley Street
Bridgeport, CT 06606

Activity Being Applied For: Proposal to amend Section 404(f) of the Darien Zoning Regulations to increase the maximum floor area of electric transformer stations, telephone exchanges, and water, sewer or natural gas pumping stations or facilities from 300 square feet to 750 square feet.

Date of Public Hearing: May 7, 2019

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices:

Dates: April 25, 2019 & May 2, 2019

Newspaper: Darien Times

Date of Action: May 14, 2019

Action: ADOPTED WITH AN EFFECTIVE
DATE OF SUNDAY, MAY 26, 2019 AT 12:15
P.M.

Scheduled Date of Publication of Action:
May 23, 2019

Newspaper: Darien Times

The Commission has conducted its review and findings on the bases that:

- the proposed zoning regulation amendments must be consistent with the 2016 Town Plan of Conservation & Development for the Commission to adopt the amendments.

Following review of the submitted application materials and related analyses, the Commission finds:

1. The submitted subject application, put forth by Aquarion Water Company, consists of a proposal to amend Section 404(f) of the Darien Zoning Regulations to increase the maximum floor area of electric transformer stations, telephone exchanges, and water, sewer or natural gas pumping stations or facilities from 300 square feet to 750 square feet.

BACKGROUND

2. Article IV, Section 404, of the Darien Zoning Regulations sets forth Principal Uses Requiring Special Permits in residential zones. Among these identified uses are “electric transformer stations, telephone exchanges for local service only and water, sewer or natural gas pumping stations or facilities provided the floor area shall not exceed 300 square feet and no yard or building shall be used for storage.”
3. In a separate, yet related application (Site Plan Application #305, Special Permit Application #306, Flood Damage Prevention Application #393), the applicant proposes to raze the existing well facilities building at 31 Lake Drive, and to construct a new expanded well facilities building, redevelop the existing well, construct a new driveway, and to perform related site development activities within a regulated area. That is the subject of a separate written decision by this Commission.

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CONSISTENCY WITH THE 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT

4. The Commission finds that the proposal is consistent with the 2016 Town Plan of Conservation & Development (the POCD or “Town Plan”).

NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #4-2019) is hereby adopted as follows:

NEW WORDING IN ITALICS AND UNDERLINED; DELETIONS IN STRIKEOUT:
(Appendix C of the Zoning Regulations to be amended accordingly.)

PROPOSED AMENDMENT TO SECTION 404.

404. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Private schools.
- b. Child Care Home, Group.
[Amended 12/24/2017]
- c. Churches and other places of worship intended primarily to serve religious needs of the local community.
[Amended 1/27/2019]
- d. Social, cultural and recreational uses, serving a community need or convenience, and not including any activity carried on primarily for profit.
- e. Municipal buildings and uses of the Town of Darien, and other governmental uses intended primarily to serve the needs of the local community.
- f. Electric transformer stations, telephone exchanges for local service only and water, sewer or natural gas pumping stations or facilities provided the floor area shall not exceed ~~300~~750 square feet and no yard or building shall be used for storage.
- g. Railways, but not including switching, storage or yards, industrial sidings, repair or service facilities.
- h. Convents and monasteries of religious orders. As an accessory use to such permitted facility, the Commission may permit the providing of overnight accommodations for not more than ten guests on the premises at any one time when such guests are attending for a religious purpose or retreat.
- i. Protected Town Landmarks, in accordance with the provisions of Subsection 1041.
- j. Single-Family Open Space Development in accordance with the provisions of Subsection 1052.

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[Amended 4/12/2009]

These amendments to the Darien Zoning Regulations shall become effective at 12:15 P.M. on Sunday, May 26, 2019.

Commission members indicated that they were generally in favor of the proposal, including the proposed amendment to the Darien Zoning Regulations. Mr. Rand made a motion to adopt the resolution as written. That motion was seconded by Mr. Olvany, and approved by a vote of 4-0. The Adopted Resolutions read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 14, 2019**

Application Number: Site Plan Application #305, Special Permit Application #306
 Flood Damage Prevention Application #393

Street Address: 31 Lake Drive
Assessor's Map #30 Lot #6

Name and Address of Aquarion Water Company
Property Owner & Applicant: 600 Lindley Street
 Bridgeport, CT 06606

Name and Address of Phat Phung, P.E.
Applicant's Representative: Aquarion Water Company
 600 Lindley Street
 Bridgeport, CT 06606

Activity Being Applied For: Proposal to raze the existing well facilities building on the site and to construct a new expanded well facilities building, redevelop the existing well, construct a new driveway, and to perform related site development activities within a regulated area.

Property Location: The 3.25+/- acre subject property is located on the north side of Lake Drive, approximately 0.25 miles west of its intersection with Hoyt Street.

Zone: R-1/3

Date of Public Hearing: May 7, 2019

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices:

Dates: April 25, 2019 & May 2, 2019

Newspaper: Darien Times

Date of Action: May 14, 2019

Action: APPROVED WITH CONDITIONS

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EFFECTIVE MAY 26, 2019 AT 12:20 P.M.

Scheduled Date of Publication of Action: Newspaper: Darien Times
May 23, 2019

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all applicable provisions of Sections 406, 820, 1000, and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to raze the existing well facilities building on the site and to construct a new expanded well facilities building, redevelop the existing well, construct a new driveway, and to perform related site development activities within a regulated area.
2. In a separate, yet related application (COZR #4-2019), the applicant proposes to amend Section 404(f) of the Darien Zoning Regulations to increase the maximum floor area of electric transformer stations, telephone exchanges, and water, sewer or natural gas pumping stations or facilities from 300 square feet to 750 square feet. That is subject to a separate written decision by this Commission.
3. Due to the minor nature of the proposal and lack of visibility from any public roads, the Commission finds that review of the application by the Architectural Review Board (ARB) is not necessary.
4. The proposed facility will occupy 0.22+/- acres of the 3.25+/- acre site. The undeveloped portion of the site will remain native woodlands and wetlands.
5. The existing 216 square foot well house building and its foundation will be razed and removed from the site in its entirety. The wooden superstructure of the existing 252 square foot clearwell building will be removed, and a new steel framed superstructure will be constructed. An addition will be added to the rear of the existing building and the proposed structure will have a 720 square foot combined footprint.

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6. The existing access driveway will be replaced and utilized by Aquarion Water Company for monitoring and maintenance of the facility as is currently done several times each week. No additional traffic is anticipated from the project.
7. New underground electrical and communications services are proposed to replace existing overhead services and utility poles which will be removed.
8. The existing water main connection from Lake Drive to the facility will remain. No sanitary sewer service is provided to the facility.

STORMWATER MANAGEMENT

9. The proposed redevelopment of the site will reduce the overall impervious surfaces and stormwater runoff from the site.
10. Existing drainage patterns will be maintained via overland flow over vegetated surfaces.
11. The Commission finds that if implemented properly, the proposed site development activities will have no adverse impacts to adjoining property owners or any downstream drainage systems.

PROPOSED WORK WITHIN THE FLOOD ZONE

12. Nearly the entire subject property is located within the FEMA AE Flood Zone, with a Base Flood Elevation (BFE) of 42'. A small portion of the eastern side of the property is within the X500 Flood Zone. No work is proposed to occur within the designated AE Floodway associated with the Noroton River on the west side of the site.
13. The first floor elevation of the new structure will be at 43'10", 1.83+/- feet above the BFE. It was noted that the Connecticut Department of Public Health guidelines require the wellhead to be located 3' above the flood elevation, as is proposed. Electrical and instrumentation equipment is to be located approximately four feet above the flood elevation.
14. The Commission finds that the proposed work will not result in an increase of flood heights and the proposal is in conformance with Section 825 of the Darien Zoning Regulations.
15. The Commission finds that the proposed activities as shown on the site development plan, to be implemented with the conditions listed herein, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

SCREENING

16. It was noted at the public hearing that the fence surrounding the developed portion of the site is to be replaced with a black vinyl coated chainlink fence and that the new building is to be screened from adjoining property owners directly to the south with evergreen trees.

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NOW THEREFORE BE IT RESOLVED that Site Plan Review #305, Special Permit Application #306 and Flood Damage Prevention Application #393 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and other site development activity shall be in accordance with the following plans as required to be modified herein:

ENGINEERING PLANS

Plans generally entitled 'Rewak Well Improvements, 31 Lake Drive, Darien', Prepared for Aquarion Water Company of Connecticut by AECOM, dated January 2019:

- Sheet C-101, Existing Site Plan;
- Sheet C-102, Proposed Site Plan;
- Sheet A-101, Grade Level Plan;
- Sheet A-201, Elevations

The finished first floor of the new building must be at or about 43.0' to comply with the Darien Zoning Regulations.

- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans in Condition 'A', above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction of the improvements and until the area has been revegetated and restabilized. The Planning and Zoning Department shall be notified prior to the commencement of work and immediately after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

PERMITS REQUIRED

- C. The granting of this Permit does not relieve the applicant of the responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes the requirement for separate Zoning and Building Permits for the foundation of the new building and work above the foundation.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

- D. Prior to the request for the Certificate of Occupancy for the new building, the applicant shall submit the following:
1. A final "as built" map and/or other evidence that all work, including the installation of plantings, has been properly completed in accordance with the approved plans, and complies with zoning setback and building height requirements.
 2. An Elevation Certificate, prepared by a licensed land surveyor, shall be submitted to the Planning & Zoning Department following the completion of all of the improvements to the property.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.

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- F. This permit shall be subject to the provisions of Sections 815, 829(f), and 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (May 14, 2020). This time limit may be extended as per Sections 815, 829(f), and 858 of the Regulations.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within ninety (90) days of this approval, and prior to the issuance of a Zoning and Building Permit.

Discussion of Multi-Family Housing

Chairman Sini reviewed a summary chart detailing the number and type of multi-family housing units that have been approved and constructed within the Town since 2000.

Mr. Olvany suggested that the Mead House (745 Boston Post Road) on the corner of Boston Post Road and Academy Street be added to the chart.

Project Status Update

Mr. Ginsberg provided the Commission with a status update on the Parklands project, saying that the final Certificate of Occupancy had been issued and that the bond posted by the applicant for plantings on the property would be returned.

Other Business

Mr. Rand made a motion to discuss other business. That motion was seconded by Mr. Olvany, and approved by a vote of 4-0.

8 West Elm Street Drainage Modifications

Mr. Keating reviewed the status of 8 West Elm Street with the Commission, saying that the applicant has requested further modifications to the approved drainage plan in an effort to remedy drainage problems that continue to extend onto Town property. He said that the proposed revisions will direct the waters which now overflow the subject property and run overland to the McGuane Field parking lot, to go directly into a new catch basin to be installed by the applicant on the southern side of the property. He explained that the applicant would then install a pipe and a second catch basin on Town property to run overflow underground into an existing catch basin on the McGuane Field property.

Mr. Ginsberg noted that Mr. Edward Gentile, Director of Public Works reviewed the plans and will allow for its implementation if the Planning & Zoning Department mandates that it is required. He also confirmed that the Town would maintain the system on its property going forward.

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It was noted that Condition 'E' of the previously adopted Resolution for the project requires that no work be done on Town property. Mr. Ginsberg said that for the applicant to implement the desired solution, the Commission would need to modify or waive that requirement.

Mr. Ginsberg also noted that the applicant is asking for a reduction in the performance bond required per Condition 'C' of the previously adopted Resolution from \$30,000 to \$15,000.

The Commission voted 4-0 as follows:

- a) To modify the previous Planning & Zoning Commission approval relative to work on Town property. Thus, if this new plan is fully approved and permitted by DPW, the applicant and/or their representatives may work on Town property.
- b) The Planning & Zoning Department orders/authorizes the connection to the Town Department of Public Works drainage system.
- c) At this time, the Commission is not reducing the amount of bond. However, they did note that as part of resolving this matter, they would be open to a possible reduction in the bond amount, since a bond may need to be posted with the Department of Public Works to work on Town property.

Approval of Amended February 5, 2019 Minutes

Mr. Doneit explained that it was brought to the attention of staff that the Commission's decision on the Town's Highland Farm application at 560 Middlesex Road was inadvertently omitted from the previously adopted February 5, 2019 Planning & Zoning Commission minutes. He said that the decision was incorporated into the minutes and that the Commission should vote to approve the amended minutes. Mr. Rand made a motion to approve the February 5, 2019 minutes as amended. That motion was seconded by Ms. Leahy, and was approved by a vote of 4-0.

There being no further business, the following motion was made: That the Commission adjourn the meeting. The motion was made by Ms. Leahy seconded by Mr. Rand, and unanimously approved, 4-0. The meeting was adjourned at 10:24 P.M.

Respectfully submitted,

Fred W. Doneit, AICP, GISP
Senior Planner

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